

R E M A R K S

In the Office Action dated September 27, 2004, claim 1 was rejected under §112, second paragraph as being indefinite because the Examiner stated the term "said patient bed" in lines 6 and 14 did not have antecedent basis. Claim 1 has been editorially amended to correct this oversight, and is submitted to be in full compliance with all provisions of §112, second paragraph.

Claims 1 and 3-7 were rejected under 35 U.S.C. §102(b) as being anticipated by Born et al. Claim 2 was rejected under 35 U.S.C. §103(a) as being unpatentable over Born et al. in view of Banks et al.

These rejections are respectfully traversed for the following reasons.

Although the Born et al. reference does make use of a camera 10, this camera 10 is part of the radiographic imaging system, and produces a video image from the optical signals at the output of the X-ray image intensifier 9. Accordingly, the image produced by the camera 10 is a radiographic image of the interior of the examination subject.

Moreover, since the image produced by the camera 10 is a radiographic image, it must necessarily be produced while the examination subject is in the imaging system, i.e., within the X-ray beam generated by the X-ray source 7. By contrast, independent claim 1 as originally filed stated that the camera in the claim has a field of view that includes at least a portion of the patient bed in the *preparation position*. The camera 10 in the Born et al. reference is capable of producing an image of the subject only when the subject is in the position that would correspond to the "interior position within the diagnostic imaging system," using the language of claim 1.

Claim 1 has been amended to make clear that the image of the subject obtained by the camera in the inventive positioning device is an image of the exterior of the patient on the table of the patient support, and that it is this image of the exterior of the patient in the preparation position that is displayed at the picture screen, and is used, with the region selection device, to designate the desired examination region.

Equally as importantly, however, the Born et al. reference is not concerned with designating an examination region, but is only concerned with centering the examination region with respect to a center point on the monitor, in order to minimize the adjusting procedures required before an exposure. For this purpose, a control circuit is connected to a memory for controlling the motors of the patient table, the control circuit being designed so that the table is centered relative to the particular site on the monitor to which a light pen points (Born et al., column 1, lines 32-36).

For this purpose, the aforementioned image of the subject who is already at "an interior position within the diagnostic imaging system" is obtained and this preliminary image is then used to finely adjust the patient table so that the center of this image coincides with the center of the monitor. In the Born et al. system, therefore, no camera has a field of view which includes at least a portion of the patient table with the patient thereon in the preparation position, the preparation position having been explicitly defined in claim 1 as being a position outside of the diagnostic imaging system. Since there is no camera that has a field of view that encompasses the preparation system in the Born et al. reference, there is no image obtained of the patient in that preparation position. Moreover, as noted above, each image of the subject that is obtained in the Born et al. reference is a radiographic

image of the interior of the subject. No image of an exterior of the subject is obtained at all in the Born et al. reference.

The Born et al. reference therefore does not disclose all of the elements of claim 1 as arranged and operating in that claim, and therefore does not anticipate claim 1, nor any of claims 3-7 depending therefrom. An editorial amendment has been made in claim 7 to make claim 7 consistent with the language used in amended claim 1.

As to the rejection of claim 2 under 35 U.S.C. §103(a), Applicant does not have a serious disagreement with the statements of the Examiner concerning the teachings of the Banks et al. reference, however, for the reasons noted above the Born et al. reference does not disclose the subject matter of claim 1, from which claim 2 depends, and therefore even if the system disclosed in Born et al. were modified in accordance with the teachings of Banks et al., the subject matter of claim 2 still would not result. Claim 2, therefore, would not have been obvious to a person of ordinary skill in the field of designing positioning devices for medical imaging systems, based on the teachings of Born et al. and Banks et al.

All claims of the application are therefore submitted to be in condition for allowance, and early reconsideration of the application is respectfully requested.

Submitted by,


(Reg. 28,982)

SCHIFF, HARDIN LLP, CUSTOMER NO. 26574

Patent Department, 6600 Sears Tower

233 South Wacker Drive

Chicago, Illinois 60606

Telephone: 312/258-5790

Attorneys for Applicants.

CH1\4202379.1